

REMARKS

In response to the Official Action Applicants have amended claim 2 to overcome the objection of inappropriate dependency of claim 2. Claim 2 as amended is now dependent upon independent claim 1.

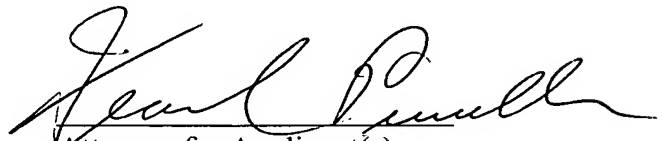
Claim 6 has been amended to delete the term “etc.”. Accordingly, claim 6 is no longer indefinite.

The Examiner has rejected claims 1-6 under 35 USC § 102(e) as being anticipated by Kaplan (US 6,211,484) for the reasons set forth on pages 3 and 4. Applicants respectfully submit that claim 1 as currently set forth is not taught or suggested by the prior art. Independent claim 1 has been amended to clearly set forth that the micro-discrete indicia image has a length not greater than about 10 microns and has a height no greater than about 2 microns. The Kaplan reference does not teach or suggest such a small size. In fact, the laser used in Kaplan is limited with regard to the size of the images provided. Column 19, lines 13-15 disclose the providing of indicia in the average of 80 microns per character. Even when red or green light is disclosed, they are limited to 30 microns or 15-20 microns as set forth in column 19, lines 30-33. In the present invention, as illustrated by Figure 4 and claim 1, the entire indicium which may comprise a plurality of characters, is smaller than that provided. Clearly the Kaplan reference does not teach or suggest this. Furthermore, as set forth in amended claim 1, the indicium is formed by a color altering the color of the gemstone. This is contrary to what is set forth in Kaplan which is directed to ablating on the surface of the work piece, see for example column 2, lines 42-43. The ablating on the surface requires removal of material which requires a substantial amount of heat, thus the removal of the material and the application of high heat allows for the possibility of inducing micro stresses or cracks within the gemstone. In the present invention, as set forth by independent claim 1, there is an altering of the color of the gemstone. Clearly this is not taught or suggested by Kaplan, nor would it be obvious. Thus, the micro-discrete image is different from that disclosed in Kaplan. That is, in Kaplan there is a direct ablation of the surface wherein the present invention the gemstone has a color change. Thus, the Kaplan reference could not anticipate or suggest the invention as currently set forth.

Claim 2 discusses the ablating of the surface when a coating is applied as discussed on page 6, lines 2 and 3 of the present invention where a coating on the gemstone is provided to facilitate ablation. Clearly this is not taught or suggested by the prior art.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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